

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13360 of House & Home Decorators, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing a subdivision of two lots into four lots not meeting the lot area and lot width requirements (Sub-section 3301.1) and the open court requirements (Sub-section 3306.1) and from the off-street parking requirements (Sub-section 7202.1) for a proposed subdivision and conversion of two existing apartment houses into four row dwellings in an R-4 District at the premises 1007-1009½ Eye Street, N.E., (Square 958, Lots 49 and 50).

HEARING DATE: October 22, 1980
DECISION DATE: November 5, 1980

FINDINGS OF FACT:

1. The subject property is located on the south side of I Street between 10th and 11th Streets and is known as premises 1007-1009½ I Street, N.W. It is in an R-4 District.
2. The site is rectangular in shape and topographically level. The site is developed with two two-story brown brick apartment houses with a total of eight units. The property at 1007 I Street is boarded up and vacant. The property at 1009 I Street was occupied with two tenants. Eye Street is one way east at this location.
3. To the north of the subject site is I Street followed by row dwellings in the R-4 District. To the east is a semi-detached dwelling, followed by another semi-detached dwelling in the R-4 District. To the west are row dwellings in the R-4 District and to the south are commercial uses fronting on H Street in the C-2-A District.
4. The applicant proposes to convert the subject two apartment houses into four row dwellings.
5. The subject premises are located in the R-4 District. The minimum lot area and lot width requirements in this zone are 1,800 square feet and eighteen feet respectively for row dwellings.
6. The four single family units will each be sited on lots roughly consisting of 1,698 square feet of land area and 15.4 feet in width. Thus, variances of 101.93 square feet, or six percent and 2.56 feet or fourteen percent are required respectively from the lot area and lot width requirement.

7. Each unit has a 5.20 foot open court width. An eight and one-half foot open court width is required. Thus, a variance from this requirement is also sought.

8. The Zoning Regulations require that one off-street parking space per single family row dwelling be provided in the R-4 District. The subject property is credited with two spaces requiring two additional spaces to be located on the site.

9. Although there is room in the rear yards of the dwellings, vehicular access to the rear yards can not be achieved as there are no alley or side yards.

10. Each of the proposed units will consist of approximately 1,140 square feet of gross floor area, containing three bedrooms, 1½ baths, living room with fireplace, dining room and rear porch. The buildings do not have basements. The units will each have rear yards, approximately sixty feet by fifteen feet in dimensions. The units will be sold in fee simple. The price range is anticipated to be \$60,000-\$65,000.

11. The site falls within the boundary of the H Street Urban Renewal Plan area, and is designated on the general land use plan as a medium density area. Objectives of the plan which address housing are to provide for a maximum amount of rehabilitation of existing housing and to encourage home ownership in both new and rehabilitated housing. The plan lists standards for residential rehabilitation.

12. The Office of Planning and Development, by report dated 10/8/80, recommended that the application be approved subject to the applicant's submission of a tenant relocation plan that will assure that the displacement of any existing residents as a result of the conversion be implemented in a manner which is sensitive to the tenant's situation. The OPD reported that practical difficulties do hamper the owner in developing the property pursuant to the Zoning Regulations. Specifically this practical difficulty is created by the size of the lots, the lack of rear access to the property and the design and size of the buildings' open court areas prior to 1958. The OPD noted that there is on-street parking allowed on Eye Street at this location but that H Street, one block south of the site and Florida Avenue, two blocks north, are both major bus routes. The OPD was of the view that the approval of this application will remove an eye sore from the neighborhood and further implement the objectives cited in the H Street Urban Renewal Plan. The Board so finds.

13. Advisory Neighborhood Commission-6A made no recommendation on the application. Single member district commissioner 6A14 reported favorably on the application.

14. There was no opposition to the application at the Public Hearing or of record. Two neighboring residents recommended that the application be approved on the grounds that the individual home ownership will result in taking better care of the property and enhance the neighborhood.

15. Pursuant to the Board's request the applicant, on 10/31/80, submitted a tenant relocation plan marked as Exhibit 25 of the record. The applicant advised that the only remaining tenants in both buildings are Mr and Mrs. Strong, who reside at 1009 Eye Street, N.E. Mr. and Mrs. Strong are scheduled to move to the new Senior Citizens building at 15th and Benning Road, N.E. Their application for an apartment in this building has been approved. Further, in order to assist these tenants the applicant accepted no rent since July, 1980 and also agreed to pay all moving expenses for Mr. and Mrs. Strong to the Benning Road address. The Board approves this plan for relocation of the tenants.

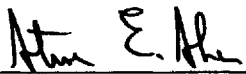
CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant is seeking area variances the granting of which requires a showing of a practical difficulty inherent in the land itself. The Board concludes that the practical difficulty exists based on the size of the subject lots, the lack of area access to the property and the design and size of the open courts that predate the effective date of the current Zoning Regulations. The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITIONS outlined in the tenant relocation plan submitted as Exhibit 25 on 11/4/80 and made a part of this ORDER.

VOTE: 5-0 (Walter B. Lewis, Connie Fortune, Douglas J. Patton, Charles R. Norris and William F. McIntosh to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 11 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OR PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.